

**West Mojave Plan  
Supergroup Meeting  
April 30, 2002  
Green Tree Inn, Victorville**

**Attendees**

<b>Name</b>	<b>Representing</b>	<b>Name</b>	<b>Representing</b>
Ileene Anderson	CA Native Plant Soc.	Gene Kulesza	TXI & MDMAC
Randy Banis	DeathValley.com	Charles LaClaire	Town of Apple Valley
Marie Brashear	CDC, WRA, SPCW	Laurie Lile	City of Palmdale
Ray Bransfield	USFWS	Brian Ludicke	City of Lancaster
Jackie Campos	VIM	Roy Madden	USMC
Al Carrell	OBMS	David Matthews	Public
Bob Clark	Clark Enterprise	James McRea	City of Ridgecrest
L. Andrea Clark	Inyo County	Carol Miller	Town of Yucca Valley
Mike Connor	Tortoise Interest Grps.	Tonya Moore	Caltrans
Norm <b>Coreytoke</b>	Valley Pros	Johanie Orr	Orr & Co.
Emma R. Couveau	Orange Belt Min. Soc	Lorelei Oviatt	Kern County/Planning
Brendan Cummings	Attorney, CBD	Tim Read	BLM - Barstow
Tom Dailor	LADWP	Darrell Readmond	ETI
Nick Dallavalle	Public	Dave Reno	City of Hesperia
Karen Drewe	Caltrans	Randy Scott	S.B. County/LUS
Clarence Everly	DOD	Matt Slowik	S.B. County/Planning
Ken Foster	PLPU	Charles Smith	Valley Prospector
Martin Gill	Public	Patricia Smith	OMYA (Calif) Inc
Marc Grabb	CTTC, DTC	Tanya Smith	Valley Prospector
Mark Hagan	Edwards AFB	Debbie Stevens	AVTREFC
George Hartman	Ft. Cady Minerals	Jack Stewart	California City
Jeanette Hayhurst	City of Barstow	Robert Strub	Trona
Shirley Hibbetts	Envirochek	Donna Thomas	RCDS
Gerald Hillier	S.B. County	Rocky Thompson	CDFG
Sabine Huynen	Univ. of Redlands	Barbara Veale	People for the USA
Richard Inman	Univ. of Redlands	Pete Westman	Land Services
Manuel Joia	Marine Corps-NEBO	Darrell Wong	CDFG
Becky Jones	CDFG		
Peter Kiriakos	Sierra Club		
<b>West Mojave Team:</b> Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer, Les Weeks.			

**Introduction**

Bill Haigh opened the meeting at 9:45 AM, and introductions were made. Haigh indicated that the focus of the meeting would be on the following:

- 1) Process (deadlines, scoping process)
- 2) Structure of the West Mojave Plan
- 3) Route designation

Haigh indicated that Ed LaRue and Larry LaPre would be available in the afternoon to answer questions regarding proposed species conservation measures.

### **The West Mojave Planning Process**

Bill Haigh noted that the settlement agreement between the BLM and the Center for Biological Diversity (CBD) requires that a federal decision be completed for the route designation component of the plan by June 30, 2003. Because route designation is such a key component of the West Mojave Plan, this essentially requires completion of the Plan by that date. Brendan Cummings, attorney for CBD, indicated that there is no requirement whatsoever in the settlement agreement that requires the West Mojave Plan be completed by that date, only route designation. Haigh emphasized that route designation is a key component of the West Mojave Plan. Haigh also noted that December 2001 Congressional legislation requires completion of the Fort Irwin Expansion EIS by December 2003. Because of the close tie between the mitigation required for the expansion of Ft. Irwin and the West Mojave Plan, the legislation calls for the Interior Department to make every effort to complete the West Mojave Plan along the same time line. In order to have a Record of Decision on the West Mojave Plan by June 2003, the plan and EIS must be completed by March 2003 to allow for a protest period. This also means that the draft EIS must be released by Fall 2002.

### **The West Mojave Planning Process**

Bill Haigh noted that most elements of the conservation strategy for the plan have been developed. The grazing strategy and motorized vehicle access network have not yet been finalized. Haigh intends to present the grazing strategy to Task Group 1 on May 15<sup>th</sup>, and to have a proposed route network completed for the DWMA's by May 15<sup>th</sup> as well.

In response to a question about dates for the EIS scoping meetings, Haigh indicated these are proposed for late May and early June, however, these may need to be moved depending on what date the Federal Register Notice is published. The dates are not published in the notice, and will be noticed in the local media.

Haigh explained that Task Group 1 has met many times to develop the conservation strategy for the plan, and Task Group 2 has also met to provide input on the route designation effort. Haigh noted that Task Groups 3 and 4 met some time ago, and that given the amount of time remaining, West Mojave Team staff will work with the cities, counties and others to develop the implementation framework for the Plan. The following discussion occurred regarding Task

Groups 3 and 4:

- Bob Strub asked whether original members of these task groups would be included in discussions. Bill Haigh responded that there is no “formal” membership list for these committees, but that general coordination with interested persons, in particular the cities and counties, would occur.
- Jeri Ferguson indicated she is uncomfortable about the lack of general discussion regarding implementation, and suggested holding a two day “workshop” session.
- Jeanette Hayhurst emphasized that the Compensation Subcommittee accomplished some work on implementation, but that some general input on this work and other aspects might be a good idea.
- Peter Kiriakos indicated that there are a lot of issues that have not yet been addressed, such as management structures for the plan. He indicated he would support a two-day workshop on implementation for the purpose of providing input prior to decisions being made.
- Bill Haigh proposed the following: 1) Staff will pull together implementation materials that have been done to date. 2) Staff will run the materials by the jurisdictions. 3) A one or two day workshop sometime during the last week in May would be held to discuss these issues.
- Andrea Clark questioned whether there would be time to incorporate the implementation strategy prior to scoping meetings.
- Randy Scott asked whether it is necessary to have the implementation strategy fully determined prior to scoping for NEPA and CEQA, and suggested that the details of implementation could be integrated into the plan later, thus providing more time. Scott supported a forum for people to share thoughts on implementation.
- Peter Kiriakos felt that it would be helpful to meet collectively, grapple with the options, and brainstorm approaches as early as possible. He feels management of the plan is a key issue politically and environmentally. He suggested meeting in mid-May.
- Martin Gill expressed concern that there is no proposal on the table yet, no completed maps, and multiple groups with no consensus on the overall plan.

An all-day meeting was set for Task Groups 3 and 4 for Monday, May 20, 2002 beginning at 10:00 AM.

Bill Haigh noted that the Plan will need to make a clear commitment to a Raven Management Program. Marie Brashear asked whether language could be included in the plan that would allow a permit be granted under the Migratory Bird Act. Ray Bransfield indicated that such a permit cannot be issued at this time.

Bill Haigh further indicated that the handling of disease also needs additional consideration. The plan language currently gives responsibility for this to the Management Oversight Group (MOG) program (a group which includes the heads of various agencies). The following comments were made on this issue:

- Becky Jones indicated that programs related to disease are not currently being

implemented through the MOG.

- Ray Bransfield questioned how the West Mojave Plan could effectively deal with the disease problem on its own.
- Gerry Hillier noted that there is no real proactive program currently going on to deal with the disease issue.
- Peter Kiriakos would like research to be the major emphasis of a head starting program.
- Mike Connor argued that the West Mojave Plan can do something about disease such as education, monitoring the spread of the disease, and consulting with an epidemiologist. He does not feel the plan can rely on the MOG to solve the problem.
- Becky Jones noted that she is working on putting together a disease workshop sometime in November to bring research scientists together to discuss what can be done.
- Gerry Hillier would like to see research on efficacy of treatment of the disease.
- Mike Connor noted that the problem is not one disease, but several, and noted that heavy metal toxins also appear to be playing a role.

Bill Haigh discussed the environmental process for the Plan. He noted that the EIS will incorporate a series of stand-alone alternatives, rather than many sub-alternatives as done for the NEMO and NECO Plans. Haigh indicated that he had reviewed all meeting notes where possible alternatives had been discussed and will be using these to construct the various alternatives. He noted that he will send out a list of alternative to the group and ask for input back. In response to a question, Haigh noted that to the degree possible, the Ft. Irwin and West Mojave Plan EIS's will be released at about the same time. Haigh raised the possibility of holding another Supergroup meeting during the same time as the scoping meetings. Haigh outlined the tentative scoping meeting schedule as follows:

Palmdale	05/28/02
San Bernardino	05/29/02
Pasadena	05/30/02
Victorville	06/04/02
Lone Pine	06/05/02
Ridgecrest	06/06/02

The following comments were made:

- Jeri Ferguson suggested each member of the Supergroup attend two or three scoping meetings, then call the Supergroup together for a meeting to reflect on the comments.
- Jeanette Hayhurst felt that a separate meeting of the Supergroup would be unnecessary, as there will be plenty of meetings to provide input.
- Add a meeting for the Yucca Valley/Twenty-nine Palms area.
- Dave Matthews noted that the week of June 6<sup>th</sup> is graduation week in Ridgecrest and may not be a good week for the meeting.
- Gerry Hillier asked what the chances are that the meetings will be held on the days noted. Bill Haigh responded that the chance is 50/50, depending on when the Federal Register

- Notice is published.
- Lorelei Oviatt asked that the Ridgecrest meeting be rescheduled to another day.

In regards to environmental impact analysis, Bill Haigh noted that West Mojave Team staff will be doing this. An economist will be brought on to assist with the socio-economic analysis. Loren Cabe an economist with the Denver BLM office, will provide the lead on public lands economic issues, while an additional economist may be hired to analyze the private land issues.

### **Motorized Vehicle Access Network**

Bill Haigh indicated that staff is trying to complete the network recognizing that this is a crucial component of the desert tortoise strategy. Haigh noted that there are two stages of approval of the route network, the first being the actual designation of the routes and publishing that action in the Federal Register. The second action involves incorporating the designated network into the BLM's California Desert Conservation Area Plan. Haigh noted that a substantial part of the area has already been designated through ACEC plans and a route designation effort that took place in 1985/1987. The focus of the route designation effort will be on the DWMA areas in order to address desert tortoise. Within these areas a very detailed route inventory has been performed.

Les Weeks displayed a map and the paperwork completed for route designation for a portion of the Red Mountain subregion. Weeks noted that a more detailed ground survey was conducted for the DWMA areas after the following comments were received from the public on an earlier designation effort: 1) Need for more ground truthing. 2) More recreational and biological data needs to be provided. 3) Designations need to be done for each trail, rather than groupings of routes. 4) Better record keeping needs to be accomplished.

Weeks described the methods used to conduct the on-the-ground route surveys. The following points were made by Weeks:

- Inventory was begun in September 2001, and was completed during March 2002.
- 9-13 teams each consisting of a guide and a surveyor were involved.
- A two tiered approach was used. 4-wheel drive routes were surveyed first, then motorcycle teams surveyed the single track and difficult to survey routes.
- Approximately 8,000 miles of routes were covered.
- A variety of data was collected including locational (where the data point was situated), and attribute data to assist in the designation process (condition of road etc.).
- Calibration routes were set up to help standardize the survey process.

Les Weeks described the decision tree developed for the route designation process, and noted that staff was working as a team to do the actual designations. Weeks noted that the decision tree addresses a range of issues. If, however, there is an overriding concern based on professional opinion, it can override the decision tree. Such instances are rarely used and are well documented when they occur. The decision and rationale for each route is documented. The following

discussion occurred:

- It was asked whether the designators are consistent in their approach. Les Weeks indicated that staff is working together in the same room, so discussion can occur as issues arise. Weeks indicated there has not been a problem so far.
- Mike Connor noted that the DWMA's are based on Critical Habitat for the desert tortoise. He noted that any closure in these areas will have a benefit and asked whether there are any areas where Box 2, 5 and 6 are answered "no" in the DWMA. Weeks indicated that this has occurred, and noted that the polygons developed by Ed Larue do not include the entire DWMA. Connor responded that recovery is necessary throughout the DWMA and questioned the objectivity of staff on this issue.
- Martin Gill noted that there are areas within the DWMA's where the slope and elevation is not conducive to tortoises. He feels these areas should not be closed based on tortoises.
- Pete Kiriakos indicated that in addition to the route by route analysis, cumulative impacts need to be considered. He noted that if cumulative effects on the tortoise remain even after the route by route closures have taken place, then additional closures need to be considered. Les Weeks responded that a good second look at the network will be taken when completed. Weeks also noted that staff is constantly refocusing on the larger picture, even as routes are reviewed individually.
- Brendan Cummings expressed concern that the decision tree logically places access ahead of recovery of the tortoise. He indicated that definitions need to be provided for "commercial, safety, and essential access." He also expressed concern that since MAZs are drawn to address how people use an area, use of the land is given a higher value than biological issues. Les Weeks responded that a glossary will be provided to clarify the terms mentioned, and clarified that the MAZs were created simply to break the workload into more manageable units, and generally follow natural boundaries established within the subregion. Weeks noted that professional judgement was used to draw the MAZ boundaries. Bill Haigh added that the decision tree is subject to the overarching mandate of recovery of listed species.
- Jeri Ferguson stated that routes cannot be closed just because they are in the DWMA as there are no studies to show roads impact species.
- Hector Villalobos suggested modifying the decision tree for the purpose of developing alternatives that will need to be included in the EIS for analysis.
- Mark Graff asked whether boxes 2, 5 and 6 were being answered by biologists on the Team. Les Weeks responded that these decisions were being made jointly by biologists and other team members.
- Dave Matthews indicated that the decision tree was developed based on input from Task Group 2 and indicated that it appears to work pretty well.
- Bob Strub asked who is on the designation team. Bill Haigh responded: Dave Wash, Bob Parker, Jeff Aardahl, Harold Johnson, Mike Ahrens, Shannon Collins and Gail O'Neill.
- Jeri Ferguson asked how alternatives will be developed in a timely manner. Haigh responded that by tweaking the decision tree, a different set of maps can be created fairly quickly.

- Ileene Anderson asked when the process will be completed. Les Weeks responded that the routes should be designated for the DWMA areas by May 15<sup>th</sup>.

## **Lunch Break**

## **Overview of Conservation Strategy**

### **Habitat Conservation Areas**

Bill Haigh provided an overview of the structure of the habitat conservation areas. He explained that the combined conservation areas for all species is referred to as the “Habitat Conservation Area” (HCA). The subcomponents of the HCA may overlap. These subcomponents consist of conservation areas for individual species (e.g., the Mohave Ground Squirrel Conservation Area and the Tortoise Desert Wildlife Management Areas [Tortoise DWMA’s]) as well as areas where conservation for multiple species is the goal (e.g., Middle Knob Conservation Area). Approximately 2.3 million acres are included in the HCA.

Haigh noted that in addition to the HCA, Biological Transition Areas (BTAs) consisting of a mile or so strip of land in certain locations adjacent to the HCA are also defined. Development within the BTAs will be reviewed by the local jurisdictions to ensure that the integrity of the adjacent HCA is maintained.

Haigh also described the Special Review Areas as lands where desert tortoise numbers remain relatively high, but where species conservation is not the goal. Take avoidance measures will be in place within these areas which include the Brisbane Valley and Copper Mountain Mesa.

### **Compensation Framework**

Haigh described the three tiered compensation formula proposed for the plan. Compensation will be based on the average value of an acre of land within the HCA. Within the HCA, the compensation will be determined by multiplying the average HCA land value by five, or a 5:1 compensation ratio; within undisturbed areas outside of the HCA it will be 1:1, and within disturbed areas, 0.5:1. Exemptions to the mitigation fee are described in the handouts. The following discussion occurred:

- Gerry Hillier expressed concern that determining the value of land would be rather complex. Haigh clarified that the determination of the average value of an acre of land to plug into the ratios would be done at the plan level and would be reviewed periodically to determine whether the mitigation fee should be adjusted. Individual developers would use the plan-wide figure. Haigh noted this would be clarified in the plan.
- Gene Kulesza asked whether the fee would vary from area to area. Laurie Lile indicated that the value of an acre of land, upon which the mitigation fee is based, would be the same throughout the plan area. Only the ratio will vary depending on whether

development is occurring in the HCA (5 times the value of an acre of land) or within the urbanized portions of the planning area (0.5 times the value of an acre of land).

- Bob Strub asked that consideration be given to variable rates for species (i.e. different ratios within the Tortoise DWMA and MGS Conservation Area). Bill Haigh noted that variable rates could be examined as an alternative in the EIS.
- Ileene Anderson indicated that plant conservation areas within the Tortoise DWMA should be compensated for in addition to the 5:1 for the tortoise. She is concerned that the mitigation will be applied to the tortoise, and that impacts to the plants will not be adequately compensated.
- Lorelei asked for an explanation of the new compensation strategy for Mohave monkeyflower. Larry LaPre indicated that this new strategy will be discussed in detail at the 5/15 Task Group 1 meeting. Generally the strategy calls for mitigation for the plant at a 2:1 ratio in an area outside the Mohave Monkeyflower HCA, called the "Survey Incentive Area."
- Matt Slowik asked whether the average value of land would be based on the value within the entire plan area. Haigh responded that it would be based on the average value of land located within the HCA only.
- Randy Banis asked how the mitigation fee would impact the builder of an individual home. Laurie Lile explained that single family residences outside of the HCA will be exempt from the mitigation fee. It was clarified that subdivisions of land would not be exempt. Lile was asked whether the proposal would affect the current fees for Ritter Ranch. Lile responded that the existing development agreements for the Ranch lock in the existing fee structure.

### **Allowable Ground Disturbance**

Bill Haigh indicated that a maximum of 1% of the HCA could be disturbed under the terms of the West Mojave Plan. If exceeded, the plan would no longer provide coverage for the species addressed. The percentage would be calculated by jurisdiction. Haigh noted that a Habitat Credit Component would also apply.

- Pete Kiriakos asked that the plan include language to protect any given species from being severely impacted by the 1% disturbance in the HCA. He noted that this is a particular concern for some plant species. Haigh noted that there is already "safety net" language in the plan in addition to survey requirements for some species. Kiriakos indicated that multi species areas also need to be given a higher priority for acquisition, and asked that this be stated within the plan.
- Gerry Hillier asked whether the BLM portion of the 1% would be allocated by jurisdiction or across the plan area. Haigh indicated it would be allocated over the entire plan area.
- Ileene Anderson asked whether the 1% would be tracked by individual conservation area. Haigh indicated that the 1% would be tracked by jurisdiction for all lands within that jurisdiction that lie within the global HCA. Anderson indicated that the CNPS supports a 1% cap for each individual species conservation area.



- Mike Connor indicated wilderness areas, where no development can occur, should not be considered part of the Habitat Conservation Area.
- Brendan Cummings stated that there is a legal mandate to protect all species covered by the permit and questioned how this protection is possible without limiting the disturbance to a maximum of 1% of any individual species conservation area. Larry LaPre responded that most of the plant conservation areas are not in areas prime for development, therefore there is little risk of disturbance. LaPre also noted that there is language included in the plan that would preclude a species from being wiped out in its own conservation area. Cummings indicated that “sub caps” in the HCA (by individual species area) would not raise or lower the 1%, but would provide an additional “zone” to be considered in the calculations. Cummings questioned whether the plan will work without this additional safe guard. Lorelei Oviatt indicated that such a policy might be acceptable for plants, but would not be for other species.
- Randy Scott indicated that plants may deserve special consideration since the 1% policy was really developed during consideration of broader ranging species (i.e. desert tortoise and Mohave ground squirrel). Scott indicated that something similar to what has been developed for the Mohave monkeyflower might work for other plant species. Scott is opposed to 1% as a constraint on an individual plant conservation area because most of these areas include land above and beyond where known occurrences of the plants exist (i.e. gilia which occurs primarily in drainages, but conservation area includes a broader area beyond the drainages). Bill Haigh indicated he would have Larry LaPre consider the comments made regarding plant conservation areas and allowable ground disturbance.
- Pete Kiriakos indicated that the plan needs to incorporate a joint data system for the sharing of information. He referenced Habitrak, a system used in San Diego county, as an example. Kiriakos indicated that the Sierra Club wants to see a joint system with joint input so that the big picture over the entire plan area can be seen.
- Martin Gill asked about how the Mohave monkeyflower will be treated in the Stoddard Open Area. Larry LaPre responded that the open areas are considered incidental take areas and that there will be no restrictions due to Mohave monkeyflower.
- Jeri Ferguson also would like clarification in the document as it relates to monkeyflowers in the open area. She is concerned that others could interpret the proposed language differently in the future. Ferguson would like to see plant surveys done now for all open areas so that there are no surprises in the future. She questioned why monitoring for certain plants in open areas is being suggested if they are considered incidental take areas. Mike Connor suggested that if an action has no conservation value, it should not be mentioned in the West Mojave Plan, even if the BLM is forced to do it. Bill Haigh indicated staff would relook at this issue.
- Gene Kulesza questioned whether the 1% ceiling allows for sufficient growth. Randy Scott clarified that most of the development will occur outside of the HCA where no ceiling will apply.
- Bob Strub asked how the 1% cap will be dealt with after the 30 year term of the plan. Bill Haigh responded that after 30 years, a new plan and new terms will need to be negotiated.
- Randy Banis indicated that language needs to be included to allow amendments to the plan

over time, and expressed concern that the 1% cap is too low. He also asked for information regarding the cost of monitoring, implementation, enforcement and other costs.

- Marie Brashear asked that the plan require that money earmarked for enforcement actually goes to pay for rangers doing on-the- ground enforcement of HCP requirements.

### **Tortoise Survey/No Survey Zones**

Bill Haigh referenced a map showing areas where tortoise clearance surveys would and would not be required. He indicated that 1412 transects have been completed since 1990, providing information on where tortoises are and are not being found. The displayed map was developed based on actual survey data.

### **Map Needs**

Bill Haigh indicated that available resources limit staff's ability to produce large quantities of maps for the public. Haigh asked the group which maps were the most important to make available. These were listed as follows:

- Habitat Conservation Area map (Blue Blob map)
- 1:100,000 scale DWMA map
- Survey/No Survey map
- Fee Area map
- Route Designation maps
- Route Index map

The following comments were made:

- Make map data available on CDs.
- Provide the ability to download mapped data from the website.
- Scale maps on the website so they can be printed on 8 ½ X 11 paper.
- Provide route designation maps based on sub-sub size.
- Use Riverside Blue Print to print maps for people.
- Use patterns rather than colors on maps so people can print them on a black and white printer.
- Review Riverside County's use of dual sized format (32" wide and 11 X 17 formats).
- Check on availability and cost of using large format color copiers (e.g., at Kinko's)

Bill Haigh indicated staff would make maps available at as many convenient locations as possible for people to view. Debbie Stevens asked that maps be made available for the Town Councils as well as more urban areas.

Jeri Ferguson expressed concern about the ability of the public to review maps of the areas

outside of the 2001-2002 detailed route survey. She asked that maps of these other areas (ACEC and 1985/87 designations) be made available as soon as possible.

Brendan Cummings commented that the most detailed conversation at the meeting today has been about maps, not on species recovery and conservation.

Mike Connor asked when there would be discussion of the burrowing owl. Larry LaPre responded that this would hopefully occur on May 15<sup>th</sup>.

The meeting adjourned at 2:30 PM.